

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH



Safe and Healthy Lives in Safe and Healthy Communities

BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

No. C02-031

In the matter of:

Anne-Francis Nicol, M.D.

License number: MD 9223

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1999 Reenactment)

notifications were received by the Board of Medical Licensure and Discipline that the

Respondent may have violated R.I.G.L. §5-37-5.1(19) and (26) of the medical practices

act. The following are the Board's Findings of Fact and Conclusions of Law:

Findings of Facts and Conclusions of Law

1. The Respondent, Anne-Francis Nicol, M.D., has an active license to practice medicine in the state of Rhode Island. She has been practicing since 1996, primarily in the field of psychiatry and is a graduate of Ross University School of Medicine. She is not board certified in any specialty. She is currently engaged in the practice of pain management at Aubuchon Clinical Associates, 172 Pond Street, Woonsocket, Rhode Island. Previously she worked as a psychiatrist at the Northern Rhode Island Community Mental Health Center in Woonsocket, Rhode Island. She has active medical licenses in the states of Indiana, Hawaii, and Rhode Island.

2. The Board of Medical Licensure and Discipline received notification from the Board of Pharmacy, certain community pharmacies, the Woonsocket Police Department, and the Department of Attorney General indicating that the Respondent appeared to be prescribing narcotic pain medications inappropriately. The Board of Medical Licensure and Discipline undertook a review of eight patient charts selected for review pursuant to the investigation of the Board. A summary of the Board's concerns are as follows:

- a) There is an overall lack of documentation for the justification of such narcotic medications, such as OxyContin, Vicodin, and other analgesics;
- b) No pertinent laboratory tests are documented;
- c) There is a lack of follow-up documented in one case of extreme hypertension;
- d) In one case, there was an inappropriate use medications for weight loss;
- e) No comprehensive review of previous medical history or medical examination was documented by the Respondent; and
- f) The office notes are psycho/social in nature and had an inadequate medical component.

3. The Board of Medical Licensure and Discipline finds that the practice of pain management by the Respondent does not meet the minimal standards of acceptable practice and violates state law relating to controlled substances as delineated in R.I.G.L. § 5-37-5.1(19)(26).

The parties agree as follows:

The Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(2) Respondent hereby acknowledges and waives:

- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of this Consent Order;
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(3) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.

(4) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

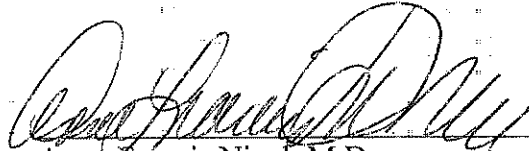
(6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(7) The Respondent hereby agrees to be barred from the use of Drug Enforcement Agency Schedules II and III until further order of the Board. Further, the Respondent agrees that the Board will monitor her practice of psychiatry for a period of one (1) year during which time, the Respondent's license to practice medicine will be on probation for a period of one (1) year.

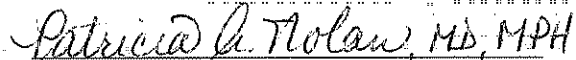
(8) The Respondent shall undergo a clinical skills evaluation at the Colorado Physicians Evaluation Program or similar program approved in advance with prior approval of the Board within one year of Ratification of this order.

- (9) The Respondent shall cooperate fully with the clinical skills assessment and shall execute all releases in order to facilitate communication with the Board and the release of the report to the Board.

Signed this 10th day of JUNE, 2002.


Anne Francis Nicol, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held
on june 12, 2002.


Patricia A. Nolan, MD, MPH
Director of Health